

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11314-PBS

ST. PAUL TRAVELERS, as successor in  
interest to ATLANTIC MUTUAL  
INSURANCE CO. Marine Division, subrogee  
of IBEX LLC, and IBEX, LLC

Plaintiffs

v.

FAIRHAVEN SHIPYARD, INC., and A.I.  
MARINE ADJUSTERS, INC., a member of  
AMERICAN INTERNATIONAL GROUP,  
INC.,

Defendants

JOINT MOTION OF ST. PAUL  
TRAVELERS AND FAIRHAVEN  
SHIPYARD FOR FURTHER  
CONTINUANCE OF F.R.C.P.  
26(a)(2)(B) EXPERT DISCOVERY  
DISCLOSURE

Now come the plaintiff St. Paul Travelers and the defendant Fairhaven Shipyard, in the above-captioned case and respectfully move that this Honorable Court grant a further continuance from August 17, 2005 to September 16, 2005 as the deadline for the parties to file and serve their F.R.C.P. 26(a)(2)(B) expert reports. As good cause for this motion, the parties state as follows:

- (1) The parties have been endeavoring in good faith to resolve the case informally among themselves;
- (2) As part of their effort to resolve the case, the parties are cooperating to make the M/Y IBEX, subject of this suit, available for inspection to defendant's experts. The vessel's current operational commitments will make the first available opportunity for this inspection not likely to occur until late August or early September. The expert for Fairhaven Shipyard is therefore not likely to have had the opportunity to inspect the vessel prior to the current due date for expert reports of August 17. The September 16 date for expert report disclosure will therefore better serve to aid resolution of the case;

(3) The requested further continuance in the disclosure of expert reports will not prejudice either party, nor will it interfere with the October 17, 2005 trial date; and

(4) All parties assent to this motion.

WHEREFORE the plaintiff requests that this Honorable Court grant its motion and further continue the F.R.C.P. 26(a)(2)(B) expert disclosures by 30 days from August 17, 2005 to September 16, 2005.

Respectfully submitted,

Plaintiffs,

ST. PAUL TRAVELERS as successor in  
interest to ATLANTIC MUTUAL  
INSURANCE CO. Marine Division, subrogee  
of IBEX LLC, and IBEX, LLC

By their attorney,

/s/ William Hewig III  
William Hewig, III (BBO# 541910)  
Kopelman and Paige, P.C.  
31 St. James Avenue  
Boston, MA 02116  
(617) 556-0007

Defendant,

FAIRHAVEN SHIPYARD, INC.

By its attorney,

/s/ John F. Leahy  
John F. Leahy, Esq. (BBO # 289860)  
Long & Holden  
100 Summer Street  
Boston, MA 02110

Defendant,

A.I. MARINE ADJUSTERS, INC.

By its attorneys,

/s/ Robert M. Elmer  
James J. Duane, III Esq. (BBO #136500)  
Robert M. Elmer, Esq. (BBO # 640269)  
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